



10900-B Stonelake Boulevard, Suite 126 • Austin, TX 78759 USA
Phone: +1-512-498-WIFI (+1-512-498-9434) | Fax: +1-512-498-9435
www.wi-fi.org

June 3, 2016

VIA E-MAIL

Hon. Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Written *Ex Parte* Communication**

Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks, IB Docket No. 13-213

Dear Chairman Wheeler:

Wi-Fi Alliance is a vigorous supporter of Commission policies that promote the most efficient use of our limited spectrum assets. Indeed, Wi-Fi technology is among the most efficient uses of spectrum today. We assume that you acted with those goals in mind when you circulated an order allowing the deployment of Globalstar's proposed Terrestrial Low Power Service ("TLPS"). However, the record overwhelmingly demonstrates that authorizing TLPS would endanger present and future shared, unlicensed use of the 2.4 GHz band, and we therefore urge you to withdraw the draft from consideration.

Early in this proceeding, Wi-Fi Alliance explained how TLPS would "undermine the very foundation of the open, shared architecture that has fostered the enormously successful public, enterprise, and consumer Wi-Fi ecosystem."^{1/} Other stakeholders were similarly alarmed.^{2/} And now, Commissioner Pai has acknowledged the technical reality of the

^{1/} Reply Comments of Wi-Fi Alliance, IB Docket No. 13-213 and RM-11685, at 2 (filed June 4, 2014).

^{2/} See, e.g., Comments of the National Cable & Telecommunications Association, IB Docket No. 13-213 and RM-11685, at 4 (filed May 5, 2014) (asking that the Commission proceed carefully in ensuring that any new private network in the 2.4 GHz band does not disrupt existing unlicensed uses of the band, which "make an enormous contribution to the national economy"); EIBASS Reply Comments, IB Docket No. 13-213, *et al.*, at 4-5 (filed June 4, 2014) (explaining why authorizing TLPS "would . . . provide an unjustified spectrum windfall to Globalstar"); Reply Comments of the Bluetooth SIG, IB Docket No. 13-213 and RM-11685, at 1 (filed June 3, 2014) (noting that "Globalstar has failed to demonstrate that its proposal would not create havoc for current and future users of the essential services in this band"); Reply Comments of the Wireless Internet Service Providers Association, IB Docket No. 13-213 and RM-11685, at 2-3 (filed June 4, 2014) (noting concerns expressed by diverse interests "legitimately concerned about the potential for harmful interference to fixed wireless broadband service providers throughout the country, Wi-Fi hotspots, alarm

situation, cautioning that “[b]estowing this type of preferential access would be a marked departure from our successful and innovative approach to unlicensed spectrum.”^{3/}

During the course of the proceeding, Wi-Fi Alliance, the National Cable & Telecommunications Association, the Bluetooth SIG, and others noted that Globalstar’s demonstrations to date had not adequately addressed significant concerns regarding TLPS’ impact on existing uses of the 2.4 GHz band.^{4/} Globalstar has had years to engage in the kind of testing necessary to demonstrate that TLPS would not negatively impact such operations.^{5/} Yet it has repeatedly refused to engage in any transparent, good-faith effort to rigorously determine the nature of any interference from TLPS to Wi-Fi and other unlicensed technologies in the 2.4 GHz band.^{6/}

As there have been public reports about the draft order in this proceeding, many have continued voicing their concerns. The Entertainment Software Association, for example, has reiterated that it does not support granting Globalstar the authority to operate TLPS

systems and public safety, medical devices, machine-to-machine communications, Bluetooth operations, broadcast auxiliary services and 2.5 GHz operations”).

^{3/} Statement of FCC Commissioner Ajit Pai on the Globalstar Order and Unlicensed Spectrum, FEDERAL COMMUNICATIONS COMMISSION (June 2, 2016), *available at* <https://www.fcc.gov/document/commissioner-pai-statement-globalstar-order>. Commissioner Rosenworcel has also reportedly declined to approve the draft order. *See* Kate Tummarello and Alex Byers, *Morning Tech: A Daily Download of Technology News from Washington and Silicon Valley*, POLITICO (June 3, 2016), <http://www.politico.com/tipsheets/morning-tech/2016/06/morning-tech-first-look-at-commerce-department-sharing-economy-report-rosenworcel-takes-a-stand-on-unlicensed-acas-polka-expects-retrans-order-this-fall-214635>.

^{4/} *See, e.g.*, Bluetooth SIG, Further Comments and Detailed Report from TLPS & Bluetooth Demonstrations, FCC Technology Center – March 6, 2015, IB Docket No. 13-213 and RM-16685, at 1 (filed Mar. 20, 2015) (explaining that TLPS demonstrations showed how TLPS significantly interferes with Bluetooth devices); Letter from Paul Margie, Counsel to NCTA, to Ms. Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-11685, at 1 (filed Apr. 27, 2015) (discussing aspects of Globalstar’s demonstration rendering its results unreliable); Letter from Edgar Figueroa, President and CEO, Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-11685, at 2 (filed May 26, 2015) (“May 2015 Letter”) (“Many parties have questioned whether the record contains sufficient information regarding the technical characteristics about a proposed TLPS to ensure that it does not cause unacceptable levels of interference to Wi-Fi devices.”). *See also, e.g.*, Letter from Michael Calabrese, Director, Wireless Future Project, Open Technology Institute, and Harold Feld, Senior Vice President, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and GN Docket No. 12-354, at 1-2 (filed Feb. 18, 2015) (“[T]he FCC should not authorize a new licensed service that overlaps the intensively-used 2.4 GHz unlicensed band without the benefit of objective and conclusive testing of whether TLPS will potentially disrupt existing Wi-Fi operations on channel 11 . . .”).

^{5/} *See* May 2015 Letter at 3 (“More rigorous testing, which has been proposed by many parties in this proceeding, may allow the Commission to proceed to authorize TLPS.”).

^{6/} *See* Letter from Edgar Figueroa, President and CEO, Wi-Fi Alliance, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 1-2 (filed Oct. 14, 2015) (explaining how Globalstar’s demonstration fell far short of serious testing sufficient to demonstrate that TLPS would not negatively impact Wi-Fi operations); Letter from Paul Margie to Ms. Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-16685, at 1-2 (filed Dec. 10, 2015) (explaining that “Globalstar’s filings do not reveal whether the company has fixed the problems that rendered previous demonstrations unreliable”).

nationwide “without meaningful testing.”^{7/} The Hearing Industries Association has stated that “the correct path forward should not be to allow GlobalStar conditional authority for limited operation”; specific technical information regarding TLPS’ operating parameters must first be made available.^{8/} Even Public Knowledge, whom Globalstar has cited as “supporting” the adoption of TLPS rules,^{9/} has urged caution, emphasizing that, if the Commission does grant Globalstar authority to begin initial deployments of TLPS, the Commission “must make clear that it will act if . . . deployments demonstrate destructive interference to unlicensed operations in the band.”^{10/} Wi-Fi Alliance echoes these longstanding concerns and again urges you to withdraw the draft order on Globalstar’s TLPS proposal.

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A copy of this letter has been filed in the record in this proceeding. If there are any questions, please let me know.

Respectfully submitted,



WI-FI ALLIANCE

Edgar Figueroa
President and CEO

efigueroa@wi-fi.org

cc: (each via e-mail)
Hon. Mignon Clyburn
Hon. Jessica Rosenworcel
Hon. Ajit Pai
Hon. Michael O’Rielly

^{7/} See Letter from Michael Warnecke, Chief Counsel, Technology Policy, Entertainment Software Association, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-11685, at 2 (filed May 31, 2016).

^{8/} See Letter from Laura A. Stefani, Counsel for The Hearing Industries Association, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213 and RM-11685, at 2-3 (filed Apr. 21, 2016).

^{9/} See, e.g., Letter from Blair Levin to Marlene H. Dortch, Secretary, FCC, IB Docket No. 13-213, at 1 (filed Dec. 23, 2015) (highlighting that Public Knowledge “recognized” TLPS’ purported public interest benefits).

^{10/} See Letter from Harold Feld, Senior Vice President, Public Knowledge, to Ms. Marlene H. Dortch, Secretary, FCC, ET Docket No. 13-49 and IB Docket No. 13-213, at 2 (filed May 31, 2016) (“[T]he strong public interest value in maintaining a useable spectrum commons means that no licensee can be permitted to effectively foreclose use of the unlicensed space.”).